

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHEPARD FAIREY AND OBEY GIANT ART, INC.,

Plaintiffs,

v.

THE ASSOCIATED PRESS,

Defendant and Counterclaim Plaintiff,

v.

SHEPARD FAIREY, OBEY GIANT ART, INC., OBEY GIANT LLC, STUDIO NUMBER ONE, INC., and ONE 3 TWO, INC. (d/b/a OBEY CLOTHING),

Counterclaim Defendants.

ECF

Case No. 09-01123 (AKH)

COUNTERCLAIM DEFENDANT ONE 3 TWO, INC.’S NOTICE OF MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, the statement pursuant to Local Rule 56.1, the declaration of Christopher Broders (with exhibits), the declaration of Regan Donald Juncal (with exhibits), and the declaration of Robyn C. Crowther (with exhibits), Counterclaim Defendant One 3 Two, Inc. d/b/a Obey Clothing (“One 3 Two”) will move, before the honorable Alvin K. Hellerstein, United States District Judge at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., Courtroom 14D, New York, New York 10007, for an order pursuant to Rule 56(a) of the Federal Rules of Civil Procedure granting summary judgment on (1) all counterclaims alleged against One 3 Two in the

Associated Press's First Amended Answer, Affirmative Defenses and Counterclaims filed on November 12, 2010 ("FAC"), dismissing the FAC in the above-captioned action with prejudice, or, alternatively, granting partial summary judgment on the Associated Press's indirect profits damages claim against One 3 Two.

PLEASE TAKE FURTHER NOTICE that One 3 Two requests oral argument, which the Court has scheduled to be heard on February 15, 2011 at 10:00 a.m.

Dated: Los Angeles, California

Respectfully submitted,

January 6, 2011

By: /s/
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One 3 Two, Inc. (d/b/a Obey Clothing)*